

Report of the Special Committee on Discipline

Investigation

1. During 2011 (as of 28 November 2011), there have been **14 disciplinary matters** (13 were formal complaints and 1 was an enquiry made by 8 members in respect of possible breaches of the Bar Code). In 2010, there were 26 formal complaints. The result/progress of the 14 cases are as follows:

Result/Progress	No. of matters
Found unsubstantiated and dismissed / No further action be taken against the barrister	4
Referral to BDT	0
Barrister being Admonished / Advised	1
Letter of apology to the complainant	1
Under investigation	8

2. Also during this year, 10 disciplinary matters arising in 2010, 1 in 2009, 2 in 2008 and 1 in 2006 (all were formal complaints, one of which from 2008 was re-opened this year for investigation) were/are being investigated. The result/progress of these **14** cases are as follows:

Result/Progress	No. of matters
Complainant withdrew	1
Found unsubstantiated and dismissed / No further action be taken against the barrister	8
Referral to BDT	1
Barrister being Admonished / Advised	1
Under investigation	2
Shelved pending completion of related court proceedings	1

Barristers Disciplinary Tribunal

3. During the year, the Barristers Disciplinary Tribunal (BDT) handled a total of **5 BDT matters**, 3 of these were concluded and the findings of the BDT are as follows:-

Case Ref	Findings
20/2007	3 complaints laid were all found proved
38/2007	1 complaint laid was found proved
13/2009	2 complaints laid were both found proved

4. A halted BDT referral arisen from a complaint in 2003 was resumed this year upon the completion of related court proceedings.
5. In total, at present, there are **4 outstanding BDT matters**, 2 of which (from complaints in 2008) are being handled by the BDT, whilst the other 2 (1 from a complaint in 2003 and 1 from 2010) are pending referral to the BDT.
6. In CACV 102/2010, Mr Mui Kwok Keung Louie lodged an appeal against the findings of the BDT set out in its Statement of Findings dated 8 April 2010. The Court of Appeal (Hon Yuen & Fok, JJA and Hon. To J) dismissed Mr Mui's appeal on 21 March 2011.
7. The following members served on the Committee this year: Mr Frederick Chan, Ms Lisa Wong SC, Mr Keith Yeung SC, Mr Nicholas Cooney SC, Mr Selwyn Yu SC, Mr Leo Remedios, Mr Ronald Tang, Mr Bernard Chung, Mr Robert Pang, Mr Walker Sham, Mr James Thomson, Mr Paul Lam, Mr Lawrence Ng, Mr Timmy Yip, Mr Joseph Vaughan, Ms Phillis Loh, Ms Audrey Campbell-Moffat and Ms Elaine Liu.

These people contribute a significant amount of their time investigating and advising on discipline matters, and without their help the Bar could not be self-regulating in discipline matters. I am grateful for all their help.

8. I would like to express my special thanks to Mr Frederick Chan, Vice-Chairman of the Committee, for his tremendous assistance in screening and reviewing discipline matters, his wise advice, and for having deputized for me on many occasions.
9. Finally, the Committee could not carry out its work without the assistance of the Bar Secretariat, and Ms Michelle Tang, in particular. Michelle's work on discipline matters is invaluable.

Michael Blanchflower, SC
Chairman
28 November 2011